

WM. SKELTON & CO

PRIVACY NOTICE TO CLIENTS

Introduction

Wm. Skelton & Co, Castle Chambers, 49 High Street, Rothesay, Isle of Bute, PA20 9DB is a law firm regulated by the Law Society of Scotland. We provide both legal and estate agency services to our clients. The personal data which we process to provide these services relates to our clients and other individuals as necessary, including staff and suppliers' staff.

Wm. Skelton & Co will be a "controller" of the personal information which you provide to us when you instruct us to act on your behalf whether verbally by telephone, in person by attendance at our office or by email. Third parties may subsequently become a "controller" of your personal information where your transaction necessitates the disclosure of your personal information to these third parties. You as our client will be the 'Data Subject'.

This policy sets out our commitment to ensuring that any personal data, including special category personal data, which we process, is carried out in compliance with data protection law. We strive to ensure that good Data Protection practice is followed. Failure to comply by any member of staff may lead to disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal data in breach of our data protection policies may also be a criminal offence.

As part of our data protection policies and procedures we will:

- Keep a record of processing activities
- Issue Privacy Notices (on our website and to clients by letter or email, and also internally to our employees)
- Have a personal data breach reporting process and a breach register
- Have a data retention policy compliant with our obligations set down by our regulator.
- Have a data subject rights procedure
- Have a data protection impact assessment process
- Maintain IT security policies

'Data Protection Law' includes the General Data Protection Regulation 2016/679 ("GDPR"); the UK Data Protection Act 2018 and all relevant EU and UK data protection legislation.

Data protection principles

We comply with the data protection principles set out below. When processing personal data, this ensures that:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation')
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ('data minimisation')
- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that any personal data which is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay ('accuracy')
- it is kept in a form which permits identification of clients (being the data subjects) for no longer than is necessary for the purposes for which the personal data is processed ('storage limitation')
- it is processed in a manner which ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental

loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

We will facilitate any request from a Data Subject who wishes to exercise his/her rights under Data Protection law as appropriate and without undue delay.

Your Personal Data

When you become a client of Wm. Skelton & Co, we will collect, store and use the personal information which you provide to us in your instructions and during the course of our solicitor-client relationship. We may ask you for additional personal information during the course of our solicitor-client relationship, which shall be collected, stored and used in accordance with this Privacy Notice.

When you become our client, we also collect, store and use personal information relating to you when this is obtained from third parties such as credit reference agencies (if used), mortgage lenders, independent financial advisers, employers, banks or other institutions. This personal information can include details of your income and savings, your financial standing, your credit scores, pension entitlements and general financial information (including details your assets and debts).

Why we need your personal information – contractual purposes

We need to collect our clients' personal information so that we can perform the services which you have instructed us to undertake for you ("the Contract"). We will use our clients' personal information to:

- provide you with legal advice using all and any manner of communications with you for example, by telephone, email and/or letter.
- represent you as your solicitors in connection with the Contract whether that be a purchase/sale/remortgage/lease of residential or commercial property or other conveyancing matter; a family law matter; a dispute of any kind including litigation; a legal claim whether involving court action or not; preparing Wills or Powers of Attorney or applying for orders under the Adults With Incapacity legislation, liquor licensing; Local Authority Licences; administering an estate; or any other type of legal service we have been instructed by you to undertake.
- respond to and communicate with clients regarding your questions, comments, support needs or complaints, concerns or allegations in relation to our actings (for example, we will use your personal information to investigate your complaint, take disciplinary action we consider necessary, etc.);
- complete the Contract with you in a proper manner at all times acting in line with Law Society of Scotland guidelines and regulations; and
- Provide you with estate agency services including assistance in connection with obtaining Home Reports including through Onesurvey and updates/replacements thereof, marketing including on our own website and through other professional websites, for example, Zoopla, by providing schedules including paper schedules and property lists and displaying the properties in our window and all matters in association with estate agency.

If you do not provide us with all of the personal information which we need to collect then this may affect our ability to provide you with legal or estate agency advice and / or represent you as your solicitors – in other words we may not be able to perform our Contract with you.

Why we need your personal information – legitimate purposes

We may process our clients' personal information in pursuit of our legitimate interests to:

- promote our legal or estate agency services by sending clients communications with information on legal updates or changes in the law which may affect our clients' position or interests or with estate agency information which we consider may be of interest to our clients.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us on our office telephone number 01700502881. Please note that if we comply with your objection, this may adversely affect our ability to undertake the tasks above for the benefit of you as a client.

Why we need your personal information – legal obligations

We are under a legal obligation to process certain personal information relating to our clients for the purposes of complying with our obligations under:

- the Law Society of Scotland's requirements for solicitors and for estate agency purposes including the obligation to identify our clients and to undertake source of funds checks in any work undertaken for clients where funds are remitted to us in connection with the transaction;
- Anti-Money Laundering regulations imposed by the Government including undertaking source of funds checks.

Who we share your personal information with

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations. Such organisations include the Law Society of Scotland, HM Revenue & Customs/Revenue Scotland etcetera. Where you instruct us to remit funds to you or where you pay our fees by debit or credit card, these details will be shared with the companies providing the electronic facilities and our Bank to enable payment to be processed.

We may also share personal data with any professional advisors we consult for the purposes of seeking specialist advice on an element of your transaction.

Wm. Skelton & Co employs some third party suppliers to provide services, including cashroom services, IT support (which includes our cashroom software), professional assessment of our fees, file scanning and destruction. These suppliers may process personal data on our behalf as "processors" and from 25th May 2018 will require to be subject to written contractual conditions to only process that personal data under our instructions and to protect it.

In the event that we do share personal data with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal data in accordance with those purposes.

How we protect your personal information

Your personal information is stored in paper files within our office and in documents on our firm's server (such as Word documents, on our cash system, and electronic indexes) and is accessed by our solicitors and support staff for the purposes set out above.

How long we keep your personal information

We keep our clients' personal data for at least the minimum periods detailed within the guidelines set down by the Law Society of Scotland with regard to the retention and destruction of client files. In some instances, however, our retention policy may differ, for example, we may hold information relating to your purchase transaction until you have sold the property unless you inform us in writing that you wish your file to be erased after any minimum retention period required by our regulator has expired. We will review and possibly delete your personal information (with the exception of any legal documents such as title deeds, Wills, Powers of Attorney or other such important documents) following a period of at least ten years after you have ceased to be our client, provided that you make us aware that you have ceased to be our client. You can request a copy of details of our file retention

policy by contacting us at our office address which is Castle Chambers, 49 High Street, Rothesay, Isle of Bute, PA20 9DB.

Your rights as Data Subject

You can exercise any of the following rights by writing to us at Castle Chambers, 49 High Street, Rothesay, Isle of Bute, PA20 9DB or contacting our office by telephone on 01700502881. Your rights in relation to your personal information are:

- you have a right to request access to the personal information which we hold about you by making a "subject access request";
- if you believe that any of your personal information is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to receive a copy of the personal data which has been provided and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller: this would only apply if we were processing the data using consent or on the basis of a contract;
- you have a right to request information on how your personal data is being processed (including details of to whom your data has been disclosed or is likely to be disclosed; the source of your personal information if not collected from you directly; and the retention period we apply to your personal data);
- you have the right to ask for certain processing of your data to be restricted for example, if the accuracy of the data is disputed; if our processing is unlawful but you do not want it to be erased; if the data is no longer needed for the purpose of the processing but is required by you for the establishment, exercise of defence of legal claims; or if you have objected to the processing, pending verification of that objection;
- you have a right to object to the processing of personal data relying on the legitimate interests processing condition unless we can demonstrate compelling legitimate grounds for the processing which override your interests as Data Subject or for the establishment, exercise or defence of legal claims;
- if you wish us to delete your personal information, you may request that we do so but only where the data is no longer necessary in relation to the purpose for which it was collected, where consent is withdrawn; where there is no legal basis for the processing or our retention of the data; or where there is a legal obligation to delete the data.
- you have a right to lodge a complaint with the Information Commissioner's Office at www.ico.org.uk.

Special Category Data

This includes personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions or offences

We occasionally process special category data of clients and third parties as is necessary to provide legal services for the establishment, exercise or defence of legal claims.

Responsibility for the processing of personal data

Wm. Skelton & Co take ultimate responsibility for data protection. If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact our Data Protection Officer, Elaine C. Campbell, by writing to our office at Castle Chambers, 49 High Street, Rothesay, Isle of Bute, PA20 9DB.

Wm. Skelton & Co
25th May 2018